

REMARKS

1. Applicant thanks the Examiner for the Examiner's comments, which have greatly assisted Applicant in responding, especially in the Response to Arguments section.

2. **35 USC §103.**

The Examiner rejected Claims 1-51 as being unpatentable over Aleia (US Patent 5,991,733) in view of Cald (US Patent 5,619,708) as discussed in paragraph 3 of the last office action mailed on July 29, 2004.

Then, in Response to Arguments, the Examiner stated as follows, emphasis added.

With reference to Applicants' arguments with respect to claim 1 that Aleia does not teach 'collector's notes', the Examiner respectfully disagrees. In Column 7 lines 41-45, Aleia discloses 'Historical Data Warehouse is defined recorded outcomes of all the associated actions taken during the transaction life cycle of all the cases in the system'. **The recorded outcomes include collector's notes also.**

Applicant disagrees.

Column 7 lines 41-45 appear as follows.

"Historical Data Warehouse"(FIG. 1F) is defined as the totality of data elements in all the tables and the recorded outcomes of all the associated actions taken during the transaction life cycle of all the cases stored in the system.

Aleia's **recorded outcomes** cannot possibly include collector's notes because Aleia's **recorded outcomes** is a recorded decision made by Aleia's system. Support is found in Aleia as follows, Column 7, lines 27-34 (emphasis added):

Under the present invention, recommended actions are made to external resources during the transaction life cycle based upon objective evaluation of all available data and the results of decisions made on prior, like cases, as recorded in the data warehouse.

The utilization of past decisions (outcomes), as stored in the "Historical Data Warehouse", is a critical element of the invention.

Aleia is clear that **recorded outcomes** are recorded decisions of the system made on prior cases.

Regarding Aleia's **decisions**, refer to Col. 4, lines 57-59:

The collection process for a single account consists of a series of actions that involve "settle or escalate" decisions.

Such is not the same as the claimed invention's collectors' notes, as defined in the claimed invention and supported in the application as filed on page 5, lines 15-16:

...because the collection notes are in text format, existing analytical methods are not able to quantify them.

Outcomes and decisions are not collector's notes. Again, the Examiner is relying on not what is disclosed, but is adding content to Aleia's disclosure, which is impermissible.

Then, the Examiner stated, "Further support for this interpretation is found in Aleia Column 6 lines 40-45, where collections of stored information include data accumulated in processing collection referrals."

Aleia's Column 6, lines 40-45 appear as follows (emphasis added):

The file server 123 is dedicated to storing and managing predetermined collections of data such as network shared files and **collections of stored information (i.e. data accumulated in processing collection referrals)**, as simultaneous requests are received from the workstations for access to the files.

Aleia is clear on **data accumulated in processing collection referrals**, Col. 14, lines 3-32) as follows (emphasis added):

The collection process begins with the system receiving a collection referral 200. ... The system automatically combines all policies for the same insured 201

and determines if the collection referral is a new account 202. If the collection referral 200 is not a new account then the process assigns the collection referral 200 to an existing account 203 which is then subjected to a predefined process called a collector's queue (see discussion of FIG. 9). If the collection referral is a new account then the process determines if the collection referral is to be processed as a regular in-house account 204, special program 205, or other program 206 such as a financially involved agent 207, retro 208, or a debtor who is in bankruptcy status 209. If the collection referral is a new, regular in-house account then the process directs the collection referral to either a collector's queue processing 210, collection agency processing 211 or litigation processing 212. If the account is of another type, i.e. a financially involved agent 207, retro 208 or debtor who is in bankruptcy status 209 further processing for that type of account is respectively performed.

Again, nowhere does Aleia teach, suggest, or motivate collectors' notes in any capacity. There is no basis for which to interpret that Aleia is including collectors' notes. Again, Applicant is of the opinion that the Examiner is using knowledge gained from the claimed invention against the invention, which is impermissible.

Then, the Examiner state that "Further support is also found in Aleia Column 17 lines 27-37, where Aleia discloses 'the collector has ability to input replies or answers to questions and store them for future access'. Hence it is clear from these disclosures that historical data includes collectors' notes also. The transforming of collector's relies [sic] are performed by the scripting process disclosed by Aleia."

Aleia's Column 17, lines 27-37 appears as follows (emphasis added):

Scripting by the system involves creating a series of questions which a collector would be prompted to ask a debtor in reference to a particular issue or dispute. The collector has the ability to input replies or answers to the questions and store them for future access. The scripting process and replies by the collector reside in the word processing facility in the workstation for inclusion in letters, documents, memos, etc. Upon a determination that the complaint does not present a new issue 910, the system determines, using collector or management judgement, whether the case is ready for escalation to a collection agency or litigation 907 or reprocessing from the collector's queue 901. In summary, the workflow process at this stage automates generation of letters to the debtor, scripted dispute

handling, and determination whether the case is referable to a collection agency or outside counsel.

According to Aleia, the collector inputs and stores replies in the word processing facility for inclusion in letters, memos, etc. Aleia repeats the purpose in saying that the work process at this stage automates generation of letters to debtor, scripted dispute handling and a determination.

Aleia is not teaching, motivating, or suggesting collectors' notes as input into the predictive model as in the claimed invention.

Aleia is describing a post-process scripting process at the end of the process. Aleia is not teaching, motivating, or suggesting using collectors' notes in upfront analysis and as input into a predictive model.

Nevertheless, Applicant has amended Claim 1 to further clarify the invention.

Finally, Applicant is of the opinion that combining Aleia with Caid does not enable the invention, at least because Aleia does not teach, motivate, or suggest collectors' notes as part of the analysis and input into the predictive model. Hence, Aleia and Caid do not teach or disclose the invention as claimed. Therefore, Claim 1 and its dependent Claims 2-51 are deemed in allowable condition. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

CONCLUSION

Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant earnestly solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent. The Examiner is invited to call to discuss the response. The Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 07-1445.

Respectfully Submitted,



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